

Supreme Court of Kentucky

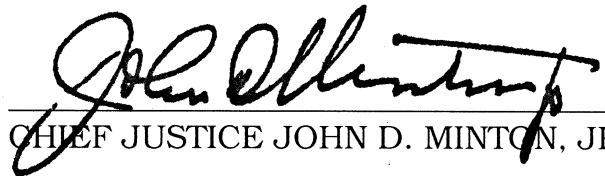
ORDER

**IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND
PROCEDURE FOR THE 50TH JUDICIAL CIRCUIT, FAMILY
COURT DIVISION, BOYLE AND MERCER COUNTIES**

Upon recommendation of the Judges of the 50th Judicial Circuit, and
being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 50th Judicial Circuit,
Family Court Division, Boyle and Mercer counties, are hereby approved. This
order shall be effective as of the date of this Order, and shall remain in effect
until further orders of this court.

Entered this the 17th day of April 2012.


CHIEF JUSTICE JOHN D. MINTON, JR.

Commonwealth of Kentucky
50th Judicial Circuit – Boyle and Mercer Counties
Family Division – Local Rules

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RULE I – INTRODUCTION

1 .01 – Introduction

These are the Local Rules of Practice of the Family Court of the 50th Judicial Circuit. These rules supplement the Kentucky Rules of Civil Procedure, the Kentucky Rules of Criminal Procedure, the Kentucky Family Court Rules of Procedure and Practice (FCRPP) and the Rules of the Boyle and Mercer Circuit Courts.

If these rules conflict with any statute or other law of the United States and/or the Commonwealth of Kentucky, and/or Order of the Kentucky Supreme Court, at any time legally adopted; then, any such statute, law, rule or Order shall at all times prevail.

1 .02 – Jurisdiction

The jurisdiction of Family Court shall be that as provided by KRS 23A.100. The jurisdiction of the Family Court shall be concurrent with that of the District and Circuit Courts of the 50th Judicial Circuit where provided by the Kentucky Revised Statutes

1.03 – Effective Date

These Local Rules of the Family Court of the 50th Judicial Circuit shall be effective thirty (30) days after their approval by the Kentucky Supreme Court.

1.04 – Citation

These rules shall be cited as the Boyle/Mercer Circuit Family Local Rules of Practice (BCFLRP or MCFLRP).

RULE II – COURT SCHEDULING / MOTION HOUR / PROCEDURES FOR FILING

2.01 – General Schedule

Monday: Boyle County

9:00 A.M. – Paternity

10:30 A.M. – Child Support (IV-D Motion Hour)

1:00 P.M. – Temporary Removal Hearing (Initial Appearances), Pre-Trial Conferences, Dispositions

2:00 P.M. – Removal Hearings, Adjudications, Motions, Reviews, Status Offenses

Tuesday: Mercer County

9:00 A.M. – Domestic Violence

1:15 P.M. – Domestic Motion Hour

Wednesday: Mercer County

9:00 A.M. – Paternity

10:30 A.M. – Child Support (IV-D Motion Hour)

1:00 P.M. –Temporary Removal Hearing (Initial Appearances), Pre-Trial Conferences, Dispositions
2:00 P.M. – Removal Hearings, Adjudications, Motions, Reviews, Status Offenses

Thursday: Boyle County

9:00 A.M. – Domestic Violence

1:15 P.M. – Domestic Motion Hour

First and Third Fridays: Final Hearings – Mercer County

Second and Fourth Fridays: Final Hearings – Boyle County

In any month containing five (5) Fridays, Final Hearings will be scheduled on an as needed basis on any fifth Friday.

2.02 – Other Hearings

Adoptions and other cases not specifically listed but also within the Court's jurisdiction shall be scheduled as needed by appointment through the Judge's Office. The Boyle County Office may be reached at 859-239-7090 and the Mercer County Office at 859-734-3192.

For time-sensitive matters, the Court will schedule hearings on its own motion.

2.03 – General Motion Practice

To set a matter for hearing on the Court's Circuit Motion Hour, the movant shall contact the Circuit Clerk in the county where the Hearing will be held. Notice of the hearing shall include the date and time for which the motion is set. All pleadings including any attachments shall be served on all other parties or their counsel and a copy forwarded to the Court. Motions may only be scheduled in the county in which an action was filed. Orders shall be delivered to the Circuit Court Clerk.

After securing a motion date, the movant must file the motion with the Clerk's Office by the close of business on the fifth business day after obtaining the date. The Clerk shall remove from the docket any motion not timely filed.

Motions are set for ten minute hearings beginning at 1:30 p.m. with the last motion time being 2:50 p.m.

No motions involving different subject matter filed in response to the original movant's will be heard during the time originally reserved by the movant without the movant's consent. Absent the movant's consent, the responsive motion may only be heard if the proponent of the responsive motion obtains approval from the Clerk by reservation of additional time. Motions for continuances or for a Case Management Conference date are NOT considered responsive motions within the purview of this rule.

The Court reserves the discretion to continue until later in the day, or reschedule to another day any hearing which exceeds the time reserved.

Notice of all motions must be served on all necessary parties no less than four (4) working days prior to any scheduled hearing.

2.04 – Pendente Lite Motions

Pursuant to FCRPP 6(2), a hearing for temporary custody, timesharing, visitation or child support shall be conducted within thirty (30) days of filing. The Clerk shall reserve the first half-hour of the Court's motion docket for said temporary motions.

Nothing shall prohibit a party or counsel from filing for a time other than the first half-hour of the docket if it complies with FCRPP 6(2) or if a party or counsel is willing to waive the 30 day requirement of the Rule.

2.05 – Case Management Conference (CMC)

Motions solely for the purpose of obtaining a Case Management Conference (CMC) date shall be filed on the Court's CMC docket. Said motion should be noticed for 1:31 p.m. on the appropriate day (Mercer County – Tuesday, Boyle County – Thursday).

Counsel and/or parties shall appear at the beginning of the Court's Circuit Court Motion Docket to obtain a Case Management Conference date from the Judge's staff. Parties may also file a motion for a Case Management Conference date in connection with a substantive motion.

2.06 – Status Quo Orders

The Court will conduct a docket at 1:15 p.m. prior to the beginning of its regular Circuit Court Motion Hour. New dissolution actions will be called to determine if the Court should enter a Status Quo Order in the case.

The Clerk, upon return of proof of service, an entry of appearance, or other adequate notice of the Respondent, will schedule the case for the first available 1:15 p.m. docket that is twenty (20) days after the Respondent has been noticed.

Parties and/or their counsel are free to tender Agreed Orders to the Court reflecting an agreement to enter or not enter a Status Quo Order in their case.

2.07 – Parent Education

The Court will conduct a docket at 1:15 p.m. prior to the beginning of its regular Circuit Court Motion Hour. New custody and dissolution actions concerning minor children will be called to determine if the Court should enter an Order to require the parties to attend a parent education class.

The Clerk, upon return of proof of service or other adequate notice of the Respondent, will schedule the case for the first available 1:15 p.m. docket that is twenty (20) days after the Respondent has been noticed.

2.08 – Dismissal Docket

To ensure conformity with Kentucky Rule of Civil Procedure 77.02(2), this Court shall periodically review all pending actions on its dockets. Notice shall be given to each attorney of record of every case in which no pretrial step has been taken within the last year that the case will be dismissed in thirty days for want of prosecution except for good cause shown.

The court shall enter an order dismissing without prejudice each case in which no answer or an insufficient answer to the notice is made. In lieu of appearance, a party or counsel may file a Notice of Filing indicating that said party or counsel desires to keep the matter on the Court's active docket. However, all such cases may be redocketed by the Court for a Status Hearing. At said Hearing, the parties or counsel shall advise the Court of the progress of the case and the need for it to remain on the active docket.

2.09 – Orders

At the conclusion of a hearing, the Court may Order that counsel for a party prepare the Order that reflects the Court's rulings. If the opposing party is represented by counsel, the attorney charged with preparing the Order shall then submit it to opposing counsel to sign off on a 'Have Seen' basis before it is submitted to the Court for entry. The Court may not require a 'Have Seen' if the other party is pro se.

If an attorney submits an Order to opposing counsel and that attorney fails to sign off on a 'Have Seen' and submit it to the Court; the drafting attorney may submit same to the Court if it contains a verification by the drafting attorney that the Order was tendered to opposing counsel with no response for a period of no less than seven (7) business days. If attorneys disagree on how an Order should be drafted, the responsive party/attorney may file a motion requesting clarification or further Orders from the Court within seven (7) business days of receipt of the Order.

The Court requires that only one order be tendered for the Court's signature. Upon the Court's approval, the Clerk will then enter the Order and send copies to all parties or their counsel.

2.10 – Agreed Orders

If parties resolve a contested issue, they may submit an Agreed Order to the Court prior to their Hearing for the Court's review and approval. The parties shall notify the Clerk at the earliest time possible that there no longer exists a need for a hearing.

RULE III – ADOPTION/TERMINATION OF PARENTAL RIGHTS

3.01 – Notice to the Cabinet

The Court **may** require that the Cabinet for Health and Family Services be notified by the Petitioner in any termination of parental rights or adoption proceeding that a petition has been filed so that the Cabinet may comply with the reporting requirements of FCRPP 33(1). Pursuant to FCRPP 33(1), the Court **may not proceed** with a Final Hearing until such time as the Cabinet has filed their required report(s) or had sufficient time and failed to file same.

3.02 – Guardian Ad Litem

The Court requires that a Guardian Ad Litem be appointed for the child or children at issue in every termination of parental rights or adoption proceeding. The Court will not conduct a Final Hearing before the Guardian Ad Litem has filed his or her report.

3.03 – Access to Confidential Records

All parties and their counsel may have access to their confidential file while the case is pending. If counsel needs access to records of other confidential proceedings as part of a termination or adoption proceeding, counsel must file a motion in that action seeking permission to inspect and copy documents. Such a motion may be filed to be heard at the convenience of the Court and accompanied by a proposed order. The Guardian Ad Litem of record in the confidential case to be opened shall receive notice of the motion.

RULE IV – DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

4.01 – Domestic Violence Generally

All matters concerning the establishment or modification of domestic violence orders (DVOs) shall be heard on the Court's usual Domestic Violence docket including, but not limited to, initial hearings, motions to modify existing orders, and associated contempt motions for violation of the terms of a domestic violence order.

4.02 – Other Issues

The Court may issue temporary custody, visitation, and child support orders in domestic violence cases when the Court deems same to be appropriate and in keeping with the aims of the domestic violence statutes.

4.03 – Domestic Violence Protocol

The Twenty-Four Hour Accessibility Emergency Protective Orders and Local Joint Jurisdiction Domestic Violence Protocol of the 50th Judicial Circuit is attached as Appendix 1 and incorporated into these Rules by reference as if fully set out herein.

RULE V – PATERNITY

5.01 – Paternity Generally

All matters seeking to determine the paternity of a child and all motions that follow from that determination including, but not limited to, the establishment and modification of child support, the calculation of arrearages, motions seeking to reimburse the Commonwealth, and contempt motions will be set on the Court's usual paternity docket.

5.02 – Mediation Available

Upon determination of paternity, parties may agree to resolve issues of custody and visitation/timesharing with a mediator. Parties may set up a time to use court mediation as provided in BCFLRP/MCFLRP 7.03 or they may agree to utilize a private mediator. Any agreements reached on those issues will be reviewed by the Court, and where appropriate, made an Order of the Court.

5.03 – Reopening Fee

Pursuant to FCRPP 14(1), a \$50.00 reopening fee shall not be paid for motions in cases brought pursuant to Title IV-D of the Social Security Act for child support modification or enforcement. However, where an action is initiated pursuant to Title IV-D but subsequent motions regarding child support, custody or visitation are brought by a private attorney or are filed by a party pro se, rather than by Title IV-D counsel, the fee shall be charged absent a finding of in forma pauperis.

5.04 – Access to Paternity Files

Until such time as paternity cases are no longer deemed confidential proceedings under Kentucky law, the Clerk shall restrict access to paternity cases to the parties, the Commonwealth, and any attorney that a party has retained. Counsel for a party shall not be permitted access to a paternity file unless he or she files an Entry of Appearance on behalf of a named party to the proceeding. In the alternative, an attorney may access a paternity file by producing to the Clerk a notarized authorization signed by a party.

Additionally, an attorney appointed by the Court to serve as a Warning Order Attorney or as an attorney for an incarcerated or incompetent individual may have access to the file.

5.05 – Custody and Timesharing

Parties may litigate custody and timesharing issues in paternity cases. Parties or their counsel shall notice the Commonwealth any time the case is docketed. Motions for custody or timesharing shall be filed to be heard on the Court's usual paternity docket. If contested, the Court may move the matter to the Court's Domestic Motion Hour or Final Hearing docket.

RULE VI – DEPENDENCY, NEGLECT, ABUSE

6.01 – Roster of Guardians Ad Litem

The Circuit Court Clerk's Office maintains a list of attorneys who serve as GALs and parent's counsel in the Boyle and Mercer Family Courts. An attorney that wishes to be placed on the GAL list for either county should contact the Judge's office for inclusion on the list. All attorneys must complete at least one Guardian Ad Litem training course before the Court will place an attorney on the GAL list.

Any attorney seeking to be placed on the Court's GAL list must keep set weekly, local office hours (within the borders of the 50th Judicial Circuit) so that they may meet with appointed clients prior to their court date in Boyle or Mercer County.

6.02 – Court Reports

Pursuant to FCRPP 28, the Court requires all reports in dependency, neglect and abuse cases to be forwarded to the Court no later than 72 hours prior to the Hearing. Additionally, reports should be forwarded to all parties or their counsel. Reports may be sent by e-mail with appropriate measures to preserve confidentiality.

6.03 – Continuances

Continuances shall comply with FCRPP 23. Counsel may circulate an agreed order bearing the signature of all parties or their counsel and setting out the agreed upon date for the Court's review. Said order must contain a statement setting forth how the best interests of the child or children is served by the continuance.

6.04 – Prevention Plans

Pursuant to FCRPP 29, any DCBS Prevention or Safety Plan shall be placed in the Court record within 72 hours of execution or before the next scheduled court hearing, whichever is earlier. Additionally, any petition filed that references a Prevention Plan should have a copy of said Plan attached.

6.05 – Court-Appointed Counsel

After a Guardian Ad Litem or parent's attorney accepts an appointment, representation shall continue through all stages of the dependency, neglect, abuse action; termination of parental rights; or adoption proceeding unless relieved of the appointment upon a proper motion to withdraw as counsel.

Upon commencement of a termination of parental rights and/or adoption proceeding that emanates from a dependency, neglect or abuse proceeding; the Court shall reappoint the same attorney for each party unless an attorney is unable or unwilling to further represent that party.

6.06 – Procedure for Seeking an Emergency Custody Order (ECO)

During normal working hours, 8:00 A.M. to 4:30 P.M., Monday through Friday, excluding normal holidays, persons seeking an ECO shall come to the District Clerk's Office of the County where the child is found or resides to complete an ECO Petition and ECO affidavit.

The District Clerk shall then fax the Petition and Affidavit to the Cabinet for Health and Family Services (CHFS) as a referral for immediate investigation. If a social worker employed by CHFS is seeking an ECO, the social worker will provide copies to the Court.

After normal working hours, law enforcement and/or CHFS shall contact the Family Court Judge, District Court Judge or Trial Commissioner of this Circuit immediately upon the receipt of an ECO affidavit.

6.07 – Petitions

A copy of all dependency, neglect and abuse petitions filed shall be forwarded to the County Attorney and his or her assistant assigned to prosecute dependency, neglect and abuse actions and the original shall be filed in the Clerk's Office.

Any dependency, neglect, abuse or status offender petition filed with this Court shall substantially comply with the following conditions:

1. Citation to specific statute(s) and factual allegations relied upon in asserting the Court's jurisdiction; and
2. Contact information of child's parents or guardians. The Clerk shall make reasonable efforts to notify the child's parents or guardians in keeping with the requirements of KRS Chapter 600, et seq.

6.08 – The Effects of Service on Only One Parent

The Court may permit a Temporary Removal Hearing or adjudication to proceed when the non-custodial parent has not been served in accordance with FCRPP 18.1 if it is established on the record that there have been reasonable efforts to serve all other parties including initiating contact with the Child Support Division of the County Attorney's Office in an attempt to locate any absent parent. The Petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served.

6.09 – Temporary Removal Hearings

Temporary Removal Hearings (TRHs) shall be scheduled on the Court's TRH docket or as needed so that it will be held within 72 hours, excluding holidays and weekends, of the issuance of an ECO.

6.10 – Dispositional Hearing

At a disposition hearing, CHFS shall provide the Court with all information as required by FCRPP 28 by completing form DNA 12. Additionally, if siblings have been separated, CHFS shall explain the reasons for said separation.

RULE VII – DOMESTIC RELATIONS

7.01 – Parent Education Classes

The Court may order completion of a parent education class for parties involved in dissolution proceedings or in an action for an initial establishment of custody. If parties are ordered to complete said class, they are free to utilize any provider who customarily provides educational services designed for people undergoing divorce and/or child custody litigation as long as it substantially complies with the current requirements found in the Parent's Education Clinic (4 hour class provided by a Qualified Mental Health Professional).

The Court will hold a docket during its normal motion hour at 1:15 p.m. to hear argument regarding the sole issue of parent education classes. If a party objects to parent education class; he or she shall file a written objection into the record prior to the scheduled hearing.

If parent education is ordered in a case, the Court may not enter a final custody order or decree of dissolution of marriage until at least one of the parties completes the class and proof of completion is filed into the record. Failure to complete the class may result in sanctions which include a party's custodial rights being unenforceable by contempt until such time as the party completes the class and files proof of same into the record.

7.02 – Status Quo Orders

The Court may order the entry of a Status Quo Order. The Court may use the standard Status Quo Order form (AOC Form 237) if the Court finds it appropriate to enter a Status Quo Order in a dissolution case. See Local Rule 2.06 for additional rules relating to entry of a Status Quo Order.

7.03 – Mediation

The Court may order mediation at the initial court appearance or any time thereafter. If both parties otherwise agree to mediate and wish to use court mediation, they may contact the judge's office to set up a mediation date. Parties or their counsel may then be required to tender an Agreed Order stating that the parties agree to mediate and the time and place at which the mediation shall occur. Parties and/or their counsel are not required to use court mediation and may use any certified mediator. Mediators are not subject to subpoena.

7.04 – Case Management Conferences. FCRPP 2(6).

Upon request of either party, or the Court on its own motion may set a Case Management Conference. Case Management Conferences are thirty (30) minutes. The purpose of said Conference is to allow the Court to determine what issues remain unresolved, to determine how much time the Court needs to allot for a Final Hearing, and to obtain a general sense of the status of the case at that time.

The Court requires Case Management Conferences to be attended by parties and counsel. Excusal of attendance of a party shall be only upon proper motion for good cause shown prior to the Conference.

Parties are free to file motions to be heard at the Case Management Conference. Motions must be filed at least four (4) days prior to the Conference. The Court reserves the right to determine which matters, if any, it shall hear at the Conference or pass them to a later date.

A copy of the Court's standard Case Management Conference Order can be found in Appendix 2. See Local Rule 2.05 for additional rules regarding the Case Management Conference.

7.05 – Final Hearings

Upon proper motion, the Court will set a contested matter for an extended Final Hearing. The Court does reserve the right to set any matter for a Case Management Conference if it is revealed that the matter is not ready for a Final Hearing.

The Court may require that all parties and/or their counsel acknowledge that all discovery is complete before a Final Hearing date will be set.

Upon request of either party, or if the Court finds it appropriate, a scheduling order will be entered. Unless specifically requested, the Court does not require a pretrial memorandum, but a party may file same if they so wish. In either situation, it should be filed at least two (2) days prior to the Final Hearing.

A pretrial memorandum should include: a summary of the general facts; statement of any stipulated facts; a listing of all issues of fact and law for adjudication; a concise statement of each general issue in dispute; argument with ample supportive citations of authority pertinent to each issue of fact and law; conclusion setting forth the specific relief sought from the Court; an undated witness list, trial exhibits, etc, and a statement of the status of mediation (if applicable).

In the alternative, the parties may request to submit all proof by deposition and request a decision upon review of the record.

7.06 – Uncontested Divorce

Pursuant to FCRPP 3(1), parties may submit a decree for the Court's review in any uncontested divorce. In addition to a Settlement Agreement and deposition containing the jurisdictional proof necessary to enter a Decree, the parties should file a Motion to Submit to inform the Court that the parties have filed all of their paperwork and are ready for the Court to enter a Decree of Dissolution of Marriage. Please note that the parties may still be required to attend Parent Education.

7.07 – Waiver of Disclosures

FCRPP 2(3) and 3(3) require parties involved in divorce litigation to file disclosure statements. In lieu of filing said disclosures, parties may waive said disclosure requirements. Parties may do so by Agreed Order that is signed by all parties and counsel or by including a provision waiving the disclosures in a Settlement Agreement. If parties so elect to waive the disclosure requirement, it shall be so referenced in the parties' Decree of Dissolution of Marriage. Absent such writing, the Court expects the parties to file any and all disclosures as provided by the FCRPP.

RULE VIII - STATUS OFFENSES


8.01 – Status Offenses

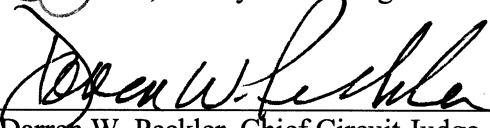
Pursuant to KRS 23A .100 (2)(d), all proceedings under KRS Chapter 630 (Status Offenses) may be stayed when a Juvenile has proceedings under KRS Chapter 635 or 640 (public offenses) pending before any District Court of the Commonwealth unless the Court, upon its own motion or upon motion of a party, transfers the matter to the District Court in which the public offense charges are proceeding.

RULE IX – MISCELLANEOUS

9.01 – In Camera Interviews

In cases where the parties have requested that the Court conduct an *in camera* interview of a minor in the absence of the parties, the recording of same shall only be released or viewed with leave of Court. This includes, but is not limited to copies of the video tape recordings and any other recordings of these proceedings. This shall not include records of proceedings conducted *in camera* where counsel was present and questioned the minor(s) as well.

 /Date 3-20-2012
Bruce Petrie, Family Court Judge

 /Date 3-22-12
Darren W. Peckler, Chief Circuit Judge

APPENDIX 1

TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION DOMESTIC VIOLENCE PROTOCOL 50th JUDICIAL CIRCUIT AND DISTRICT BOYLE AND MERCER COUNTIES

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Processing Cases

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Domestic violence matters may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending.
- D. Domestic violence cases are civil matters within the purview of CR 41.01. Therefore, this jurisdiction does not have a "no-drop" policy.
- E. Domestic violence cases may be reassigned or transferred to another circuit under the discretion of the Family Court Judge. Consistent with FCRPP 12, when the Family Court Judge orders that a case be transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer.

II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

The Boyle Circuit Court Clerk and all deputy clerks
The Mercer Circuit Court Clerk and all deputy clerks
The Boyle County Jailer and all sworn deputies
The Mercer County Jailer and all sworn deputies
The Boyle County Sheriff and all sworn deputies

The Mercer County Sheriff and all sworn deputies
 The Boyle County Attorney and Assistant County Attorneys and office staff
 The Mercer County Attorney and Assistant County Attorneys and office staff
 The Chiefs of Police of the Cities of Danville and Harrodsburg and all sworn officers
 within their departments
 Kentucky State Police Officers
 Burgin Police Officers
 Junction City Police Officers
 Perryville Police Officers

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:

The Boyle Circuit Court Clerk and all deputy clerks
 The Mercer Circuit Court Clerk and all deputy clerks
 The Boyle County Jailer and all sworn deputies
 The Mercer County Jailer and all sworn deputies
 The Boyle County Sheriff and all sworn deputies
 The Mercer County Sheriff and all sworn deputies
 The Boyle County Attorney and Assistant County Attorneys and office staff
 The Mercer County Attorney and Assistant County Attorneys and office staff
 The Chiefs of Police of the Cities of Danville and Harrodsburg and all sworn officers
 within their departments
 Kentucky State Police Officers
 Burgin Police Officers
 Junction City Police Officers
 Perryville Police Officers

- C. Upon receipt of a petition **during** regular business hours, the authorized agency/officer shall present the petition to the following:

The petition shall be presented first to the District Judge or District Court Trial Commissioner. If the District Judge or Trial Commissioner is unavailable, the petition shall be presented to the Family Court Judge. If the Family Court Judge is unavailable, the petition shall be presented to the Circuit Judge. If all judges in the Circuit and District are unavailable, the petition shall be presented to any judge in the Commonwealth for consideration.

- D. Upon receipt of a petition **after** regular business hours, the authorized agency/officer shall present the petition to:

Any serving District Judge, District Court Trial Commissioner, Family Court Judge or Circuit Judge of the Commonwealth of Kentucky

- E. Petitions will be reviewed within an hour of presentation to a judge or trial commissioner unless it is impossible due to the unavailability of a judge or trial commissioner.

- F. The schedule for domestic violence hearings is as follows:

Mercer County	Every Tuesday	9:00 A.M.
Boyle County	Every Thursday:	9:00 A.M.

III. Contempt Proceedings

A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.

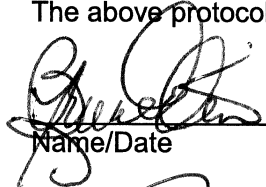
B. Petitioners seeking to initiate contempt proceedings should contact:

The Circuit Court Clerk in the county in which the protective order was issued.

C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the circuit/district:

 MARCH 15, 2012
Name/Date

Name/Date

 3/15/12
Name/Date

Name/Date

 3/19/12
Name/Date

Name/Date

APPENDIX 2

COMMONWEALTH OF KENTUCKY
50TH JUDICIAL CIRCUIT
MERCER FAMILY COURT
C.A. # _____

NAME

PETITIONER

VS.

CASE MANAGEMENT CONFERENCE ORDER

NAME

RESPONDENT

* * * * *

WHEREAS, it appears to the Court that a Case Management Conference is necessary, the Court orders that this conference be attended by both parties and counsel. The parties shall be prepared to and counsel shall have full authority to:

- (a) Disclose facts, and admit and stipulate undisputed facts;
- (b) Advise the Court as to any agreements on issues and the issues that remain unresolved;
- (c) Furnish the names and addresses of witnesses and the nature of their testimony;
- (d) Present documentary proof, photographs, books of account, etc., which may be offered as proof at trial.
- (e) Exchange mutual releases for financial records, including bank statements, mortgage, loan retirement and investment accounts, and credit card accounts. In the event custody or maintenance is an issue, the parties shall exchange mutual releases as to any relevant medical records.

GOOD CAUSE BEING SHOWN THEREFORE, IT IS ORDERED:

- (1) That this cause be docketed for a Case Management Conference on DAY, MONTH DAY, 2011, at TIME a.m./p.m.
- (2) That each party appearing with counsel in the action shall be represented at the Case Management Conference by counsel who will conduct the trial or by co-counsel with full knowledge of the case and with authority to bind such party by stipulation. If a party elects to appear pro se, s/he shall comply with all the terms of this Order.
- (3) That each party shall file any pertinent motions, stipulations and/or agreements reached at least four (4) days prior to the Case Management Conference. The parties or counsel for the parties should be prepared to discuss potential witnesses, exhibits and documentary evidence to be introduced at trial.
- (4) That in the event of the failure of a party or parties to appear at the conference, pursuant to this Order, an ex parte hearing shall be held and appropriate Findings rendered or Dismissal ordered, unless continued by leave of Court pursuant to a request, for good cause shown.
- (5) That prior to the Case Management Conference, counsel shall consult their clients with reference to authority for settlement of this case. Counsel shall communicate any offers of settlement of any controverted issues and advise opposing counsel as to any settlement terms offered.

Done this, the _____ day of _____, 20__.